

106TH CONGRESS  
2D SESSION

# H. R. 4820

To create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2000

Mr. ANDREWS (for himself, Mr. CLAY, Mr. ROMERO-BARCELÓ, and Mrs. MCCARTHY of New York) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. OFFICE OF PENSION PARTICIPANT ADVOCACY.**

4       (a) IN GENERAL.—Title III of the Employee Retire-  
5       ment Income Security Act of 1974 (29 U.S.C. 3001 et  
6       seq.) is amended by adding at the end the following:

1       **“Subtitle D—Office of Pension**  
2               **Participant Advocacy**

3       **“SEC. 3051. OFFICE OF PENSION PARTICIPANT ADVOCACY.**

4               “(a) ESTABLISHMENT.—

5                       “(1) IN GENERAL.—There is established in the  
6       Department of Labor an office to be known as the  
7       ‘Office of Pension Participant Advocacy’.

8                       “(2) PENSION PARTICIPANT ADVOCATE.—The  
9       Office of Pension Participant Advocacy shall be  
10      under the supervision and direction of an official to  
11      be known as the ‘Pension Participant Advocate’ who  
12      shall—

13                      “(A) have demonstrated experience in the  
14                      area of pension participant assistance, and

15                      “(B) be selected by the Secretary after  
16                      consultation with pension participant advocacy  
17                      organizations.

18      The Pension Participant Advocate shall report di-  
19      rectly to the Secretary and shall be entitled to com-  
20      pensation at the same rate as the highest rate of  
21      basic pay established for the Senior Executive Serv-  
22      ice under section 5382 of title 5, United States  
23      Code.

24                      “(b) FUNCTIONS OF OFFICE.—It shall be the func-  
25      tion of the Office of Pension Participant Advocacy to—

1           “(1) evaluate the efforts of the Federal Govern-  
2           ment, business, and financial, professional, retiree,  
3           labor, women’s, and other appropriate organizations  
4           in assisting and protecting pension plan participants,  
5           including—

6                   “(A) serving as a focal point for, and ac-  
7                   tively seeking out, the receipt of information  
8                   with respect to the policies and activities of the  
9                   Federal Government, business, and such organi-  
10                  zations which affect such participants,

11                   “(B) identifying significant problems for  
12                   pension plan participants and the capabilities of  
13                   the Federal Government, business, and such or-  
14                   ganizations to address such problems, and

15                   “(C) developing proposals for changes in  
16                   such policies and activities to correct such prob-  
17                   lems, and communicating such changes to the  
18                   appropriate officials,

19           “(2) promote the expansion of pension plan cov-  
20           erage and the receipt of promised benefits by in-  
21           creasing the awareness of the general public of the  
22           value of pension plans and by protecting the rights  
23           of pension plan participants, including—

1           “(A) enlisting the cooperation of the public  
2           and private sectors in disseminating informa-  
3           tion, and

4           “(B) forming private-public partnerships  
5           and other efforts to assist pension plan partici-  
6           pants in receiving their benefits,

7           “(3) advocate for the full attainment of the  
8           rights of pension plan participants, including by  
9           making pension plan sponsors and fiduciaries aware  
10          of their responsibilities,

11          “(4) give priority to the special needs of low  
12          and moderate income participants, and

13          “(5) develop needed information with respect to  
14          pension plans, including information on the types of  
15          existing pension plans, levels of employer and em-  
16          ployee contributions, vesting status, accumulated  
17          benefits, benefits received, and forms of benefits.

18          “(c) REPORTS.—

19               “(1) ANNUAL REPORT.—Not later than Decem-  
20          ber 31 of each calendar year, the Pension Partici-  
21          pant Advocate shall report to the Committees on  
22          Education and the Workforce and Ways and Means  
23          of the House of Representatives and the Committees  
24          on Health, Education, Labor, and Pensions and Fi-  
25          nance of the Senate on its activities during the fiscal

1 year ending in the calendar year. Such report  
2 shall—

3 “(A) identify significant problems the Ad-  
4 vocate has identified,

5 “(B) include specific legislative and regu-  
6 latory changes to address the problems, and

7 “(C) identify any actions taken to correct  
8 problems identified in any previous report.

9 The Advocate shall submit a copy of such report to  
10 the Secretary and any other appropriate official at  
11 the same time it is submitted to the committees of  
12 Congress.

13 “(2) SPECIFIC REPORTS.—The Pension Partici-  
14 pant Advocate shall report to the Secretary or any  
15 other appropriate official any time the Advocate  
16 identifies a problem which may be corrected by the  
17 Secretary or such official.

18 “(3) REPORTS TO BE SUBMITTED DIRECTLY.—  
19 The report required under paragraph (1) shall be  
20 provided directly to the committees of Congress  
21 without any prior review or comment than the Sec-  
22 retary or any other Federal officer or employee.

23 “(d) SPECIFIC POWERS.—

24 “(1) RECEIPT OF INFORMATION.—Subject to  
25 such confidentiality requirements as may be appro-

1        piate, the Secretary and other Federal officials  
 2        shall, upon request, provide such information (in-  
 3        cluding plan documents) as may be necessary to en-  
 4        able the Pension Participant Advocate to carry out  
 5        the Advocate’s responsibilities under this section.

6            “(2) APPEARANCES.—The Pension Participant  
 7        Advocate may represent the views and interests of  
 8        pension plan participants before any Federal agency,  
 9        including, upon request of a participant, in any pro-  
 10       ceeding involving the participant.

11           “(3) CONTRACTING AUTHORITY.—In carrying  
 12        out responsibilities under subsection (b)(5), the Pen-  
 13        sion Participant Advocate may, in addition to any  
 14        other authority provided by law—

15                “(A) contract with any person to acquire  
 16                statistical information with respect to pension  
 17                plan participants, and

18                “(B) conduct direct surveys of pension  
 19                plan participants.”

20        (b) CONFORMING AMENDMENT.—The table of con-  
 21        tents for title III of such Act is amended by adding at  
 22        the end the following:

                                 “Subtitle C—Office of Pension Participant Advocacy  
 “3051. Office of Pension Participant Advocacy.”.

1       (c) EFFECTIVE DATE.—The amendment made by  
2 this section shall take effect on January 1, 2001.

